

**DECLARATION AND POWER OF ATTORNEY FOR
UNITED STATES PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a United States patent is sought on the invention entitled

CYCLIC NUCLEOTIDE PHOSPHODIESTERASES

the specification of which:

 / is attached hereto.

 X / was filed on November 19, 1997 as application Serial No. 08/974,565 and if this box contains an X /, was amended on _____.

 / was filed as Patent Cooperation Treaty international application No. _____ on _____, 19__, if this box contains an X /, was amended on under Patent Cooperation Treaty Article 19 on _____ 19__, and if this box contains an X /, was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge my duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim the benefit under Title 35, United States Code, §119 or §365(a)-(b) of any foreign application(s) for patent or inventor's certificate indicated below and of any Patent Cooperation Treaty international applications(s) designating at least one country other than the United States indicated below and have also identified below any foreign application(s) for patent or inventor's certificate and Patent Cooperation Treaty international application(s) designating at least one country other than the United States for the same subject matter and having a filing date before that of the application for said subject matter the priority of which is claimed:

| Country | Number | Filing Date | Priority Claimed |
|---------|--------|--------------------------------|------------------|
| _____ | _____ | <u> </u> / Yes <u> </u> / No | |
| _____ | _____ | <u> </u> / Yes <u> </u> / No | |

Docket No.: PF-0057-1 CIP

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in said prior application(s) in the manner required by the first paragraph of Title 35, United States Code §112, I acknowledge my duty to disclose material information as defined in Title 37 Code of Federal Regulations, §1.56(a) which occurred between the filing date(s) of the prior application(s) and the national or Patent Cooperation Treaty international filing date of this application:

| <u>Application</u> <u>Serial No.</u> | <u>Filed</u> | <u>Status (Pending,</u> <u>Abandoned, Patented)</u> |
|---|-----------------------|--|
| <u>08/624,663</u> | <u>March 25, 1996</u> | <u>Pending</u> |

I hereby appoint the following:

LUCY J. BILLINGS
MICHAEL C. CERRONE

Registration No. 36,749
Registration No. 39,132

respectively and individually, as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Please address all communications to:

LUCY J. BILLINGS, ESQ.
INCYTE PHARMACEUTICALS, INC.
3174 PORTER DRIVE, PALO ALTO, CA 94304

TEL: 650-855-0555 FAX: 650-845-4166

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**Sole Inventor or
First Joint Inventor:**

Full name: **JANICE AU-YOUNG**
Signature: *Janice Au-Young*
Date: March 3, 1998
Citizenship: **United States of America**
Residence: **Berkeley, California**
P.O. Address: **1419 Kains Avenue
Berkeley, California, 94702**

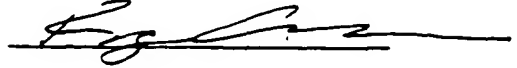
Second Joint Inventor:

Full name: **BENJAMIN G. COCKS**
Signature: *Benjamin G. Cocks*
Date: February 23rd, 1998
Citizenship: **Australia**
Residence: **Palo Alto, California**
P.O. Address: **4292 D Wilke Way
Palo Alto, California 94306**

Third Joint Inventor:

Full name: **ROGER COLEMAN**

Signature: _____



Date: _____

Feb 23, 1998

Citizenship:

United States of America

Residence:

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P.O. Address:

260 Mariposa Street, #2
Mountain View, California, 94041

Fourth Joint Inventor:

Full name:

JEFFREY J. SEILHAMER

Signature: _____



Date: _____

Feb 23, 1998

Citizenship:

United States of America

Residence:

Los Altos Hills, California

P.O. Address:

12555 La Cresta
Los Altos Hills, California, 94022

Fifth Joint Inventor:

Full name: **DOUGLAS A. FISHER**
Signature: *Douglas A. Fisher*
Date: *February 26* 1998
Citizenship: United States of America
Residence: Groton, Connecticut
P.O. Address: 600 Meridian Street, #824
Groton, Connecticut 06340

Certificate of Mailing

"Express Mail" mailing label number 330 963 920 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated and is addressed to: Mail Stop: Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on July 25, 2003.

By: Diane KizerPrinted: Diane Kizer**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re Application of: Au-Young et al.Title: CYCLIC NUCLEOTIDE PHOSPHODIESTERASESerial No.: To Be Assigned

Filing Date:

HerewithExaminer: To Be Assigned

Group Art Unit:

To Be Assigned

Mail Stop: Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**CERTIFICATE UNDER 37 C.F.R. §3.73(b),
REVOCATION OF POWER OF ATTORNEY AND
APPOINTMENT OF NEW ATTORNEYS**

Sir:

The undersigned has reviewed all the documents in the chain of title of the above-identified patent application and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

Incyte Corporation, formerly known as Incyte Genomics, Inc., also formerly known as Incyte Pharmaceuticals, Inc., having a principal place of business located at 3160 Porter Drive, Palo Alto, California 94304, certifies that it is the assignee and owner of the entire right, title and interest in, to, and under the invention described and claimed in the above-identified application by virtue of an Assignment recorded at Reel 9718, Frame 0495, hereby revokes all previous powers of attorney and appoints the following patent attorneys/agents:

| | | | |
|--------------------|-----------------|----------------------|-----------------|
| Lucy J. Billings | Reg. No. 36,749 | Michelle M. Stempien | Reg. No. 41,327 |
| Jenny Buchbinder | Reg. No. 48,588 | David G. Streeter | Reg. No. 43,168 |
| Diana Hamlet-Cox | Reg. No. 33,302 | James M. Verna | Reg. No. 33,287 |
| Joel Harris | Reg. No. 44,743 | Yu-Mei Eureka Wang | Reg. No. 50,510 |
| Richard C. Ekstrom | Reg. No. 37,027 | Shirley A. Recipon | Reg. No. 47,016 |
| Barrie D. Greene | Reg. No. 46,740 | Cathleen M. Rocco | Reg. No. 46,172 |
| Lori L. Kerber | Reg. No. 41,113 | Susan K. Sather | Reg. No. 44,316 |
| Gina C. Nellesen | Reg. No. 52,062 | | |

Please direct all correspondence to:

Legal Department
Incyte Corporation
3160 Porter Drive
Palo Alto, California 94304

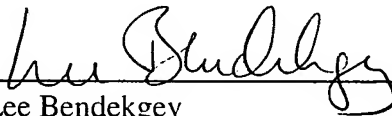
and direct all telephone calls and facsimile transmissions to: Diana Hamlet-Cox, Incyte Corporation,
Phone: (650) 845-4639, Fax: (650) 849-8886 or (650) 845-4166.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

INCYTE CORPORATION

Date: July 25, 2003

By: 
Lee Bendekgey
EVP, General Counsel/Corporate Secretary

**Department of Energy**

Washington, DC 20585

MAR 3 2003

Mr. Michael Carone
Office of Licensing and Review
U.S. Patent and Trademark Office
Technology Group 3600
Crystal Park 5
Arlington, Virginia

Re: Blanket Exemption from Requirements Under §42 U.S.C. 2182 for Incyte
Genomics, Inc.

Dear Mr. Carone:

The U.S. Department of Energy (DOE) wished to grant Incyte Genomics, Inc. (Incyte) a blanket exemption from the requirements under §42 U.S.C. 2182 for their patent applications disclosing inventions involving radionuclides. This blanket exemption is granted based on assertions set forth in Incyte's letter to DOE dated February 25, 2003. No blanket exemption is granted from the requirements of any other statute, including the security review statute, §42 U.S.C. 2181.

This blanket exemption will be effective from the date of this letter for one (1) calendar year (the "Blanket Exemption Period"), and covers all Incyte patent applications now pending before the U.S. Patent and Trademark Office and will cover all Incyte patent applications filed within the Blanket Exemption Period. Therefore, the Blanket Exemption Period ends on February 26, 2004. For the Blanket Exemption Period, Incyte will include a copy of this letter with all applicable applications. This blanket exemption may be renewed for successive one (1) year periods upon Incyte's request, subject to DOE approval. DOE will notify your office in writing of such renewals, if granted.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul A. Gottlieb", written over a horizontal line.

Paul A. Gottlieb
Assistant General Counsel
for Technology Transfer
and Intellectual Property
(202) 586-2802

